

are believed to be sufficiently linked together such that the prosecution of two patent applications is not warranted.

MPEP § 805.05(h) states that if the Applicant can provide a convincing argument to the alternative use suggested by the Examiner cannot be accomplished, the burden reverts back to the Examiner's support of a viable alternative use or withdraw the requirement. The Examiner states that the apparatus could be used as chemical or biochemical reactor in a chemical or biochemical reaction process. While this is true, the claimed method could also be utilized with such a process and with such an apparatus thereby showing that the method and apparatus are drawn to the same invention. Accordingly, the burden shifts back to the Examiner as provided by MPEP § 805.05(h).

Respectfully submitted,

Date: FEB 11, 2003

By: 

Stephen J. Stark
Attorney for Applicant,
MILLER & MARTIN LLP
Suite 1000 Volunteer Building
832 Georgia Avenue
Chattanooga, Tennessee 37402
(423) 756-6600

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C., 20231, on this 11th day of February, 2003.

By: Beverly L. Middleton
Beverly L. Middleton